

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 24-30, 33-36, 48-53, 58-60, 62 and 65 are presently pending. Claims 24, 58 and 62 are amended herein. No claims have been canceled. New claim 65 has been added herein.

Formal Request for an Interview

[0004] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0006] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 24, 58 and 62 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and

should not be construed as further limiting the claimed invention in response to the cited references.

[0007] Claims 24, 58 and 62 are amended to overcome the Examiner's 35 U.S.C. §101 rejection. No new matter has been added by these amendments.

Substantive Matters

Claim Rejections under § 101

[0008] Claims 24-30, 33-36, 58-60,62 are rejected under 35 U.S.C. § 101. Applicant respectfully traverses this rejection. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn. Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0009] Additionally, Applicant respectfully traverses the Examiner's rejection as the Examiner relies upon a rejected test for the determination of patentability. In the rejections of independent claims 24, 58 and 62, the Examiner relies upon the reasoning iterated in *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998). As the Examiner is likely aware, this criterion was recently rejected by the U.S. Court of Appeals for the Federal Circuit in *In re Bernard L. Bilski and Rand A. Warsaw* (Decided October 30, 2008) (hereinafter Bilski).

[0010] In Bilski, the Court concluded that the "useful, concrete and tangible result" inquiry is inadequate. (See pg. 20 of the Bilski decision). Instead, the

Federal Circuit reiterated that the definitive test is whether a claimed process is (1) tied to a particular machine or apparatus or (2) it transforms a particular article into a different state or thing. (See Bilski, page 10).

[0011] In the present case, each of the independent claims has been amended to clarify that the process is at least tied to a particular machine. As such, the claimed subject matter complies with the patentability requirements of §101.

[0012] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under §103

[0013] Claims 24-28, 30, 48-49, 58-60 and 62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,295,261 to Simonetti in view of U.S. Patent No. 5,968,109 to Israni.

[0014] Claims 29, 33-36 and 50-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Simonetti and Israni in further view of U.S. Patent No. 6,421,716 to Eldridge.

[0015] In light of the arguments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0016] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Independent Claim 24

[0017] Applicant submits that combination of Simonetti and Israni does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- "at least one second hierarchical tree structure having multiple nodes associated with a second context, wherein the second hierarchical tree structure resides on the one or more computer-readable media and the at least one second hierarchical tree structure comprises an organization-specific view of at least a portion of the Earth, **the organization-specific view comprising a physical/logical entity that links into specific portions of the Earth and the organization-specific view has no context outside of the organization;**"

[0018] The Examiner indicates (Action, p. 7) the following with regard to this claim:

are derived from first and second set of nodes tree structure. SIMONETTI does not explicitly teach wherein attributes assigned to goods or services comprise a relative importance that identifies geographic importance relative to a region and the organization-specific view has no context outside of the organization as claimed.

However, ISRANI teaches a hierarchical tree data structure for parcel services with node having attributes of geographical data, longitude and latitude, physical location in a geographic regional area (abstract, col. 1, lines 52-58, col. 5, lines 28-45 and col. 6, lines 36-67 and col. 7, lines 1-22 and col. 11, lines 48-67 and col. 12, lines 1-15).

[0019] Applicant appreciates the Examiner's willing to acknowledge that Simonetti does not teach or suggest the "organization-specific view has no context outside of the organization." Applicant would respectfully traverse that Israni corrects this deficiency.

[0020] Of the cited portions of Israni, only column 7, lines 12-15 appear to be remotely relevant. This section of Israni states:

Third party data (TPD) is information about additional points-of-interest. These additional points-of-interest data may be provided by a third party data vendor or may be otherwise provided in a manner such that they are not fully integrated with the rest of the geographic data.

[0021] Israni appears to indicate that additional information regarding geographical points of interest can be provided. But Israni is completely silent as to the additional information having "no context outside of the organization."

Further, the information Israni provided is not organization-specific. Instead, the information provided by Israni is generic to cartographic points representative of geological and structural features of a map. Nothing within Israni indicates, explicitly or inherently that the second hierarchical tree structure relates at all to an organization.

[0022] As explained in the present application, each “secondary World (the second hierarchical tree structure) can be a widely variant representation of an organization’s proprietary view of the world.” (See Application, page 26, lines 6-8). An example of a proprietary view provided in the application is that Boeing might define the Secondary World to include a list of entities that are important to its employees. This list of entities may include company divisions, present individual buildings, offices within buildings, building areas, etc. This information is completely specific to an organization and thus would have no context outside of the organization. Israni does not teach or suggest this element.

[0023] As shown above, the combination of Simonetti and Israni does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 25-30, 33-36 and 65

[0024] These claims ultimately depend upon independent claim 24. As discussed above, claim 24 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally,

some or all of these claims may also be allowable for additional independent reasons.

[0025] Additionally, new dependent claim 65 clarifies that the nodes within the at least one second hierarchical tree structure are assigned an organization-specific proprietary identifier. This element is clearly not taught or suggested by the cited art. Support for this new claim can be found at least at pages 26 and 27 of the present application.

Independent Claim 48

[0026] Applicant submits that combination of Simonetti and Israni does not teach or suggest each element and feature of independent claim 48 as presently claimed. The cited art fails to teach or suggest "attributes assigned to goods or services comprise a relative importance that identifies geographic importance relative to a region."

[0027] It appears that the Examiner failed to include any rejection of this claim element with regard to independent claim 48. The Examiner indicates, in the "Response to Arguments" section, that the arguments presented previously with regard to the aforementioned element were fully considered and persuasive. The Examiner indicated the need to find additional grounds for rejecting this element.

[0028] Applicant is making the assumption that this failure to address this element with regard to independent claim 48 was simply an oversight on the part

of the Examiner as the Examiner has addressed this element when addressing independent claim 58. Applicant thus will address the Examiner's reasoning as applied to claim 58 as if the Examiner had applied it to independent claim 48.

[0029] The Examiner indicates (Action, p. 11) the following with regard to this claim element:

SIMONETTI teaches computer readable storages including disks and tapes and a hierarchical tree structures storing in the storage medium containing a plurality of nodes containing the information of country, states, counties and cities. Two set of nodes of tree structures and both are linked thru via common nodes, city nodes, which are derived from first and second set of nodes tree structure. SIMONETTI does not explicitly teach wherein attributes assigned to goods or services comprise a relative importance that identifies geographic importance relative to a region and the organization-specific view has no context outside of the organization as claimed.

However, ISRANI teaches a hierarchical tree data structure for parcel services with node having attributes of geographical data, longitude and latitude, physical location in a geographic regional area (abstract, col. 1, lines 52-58, col. 5, lines 28-45 and col. 6, lines 36-67 and col. 7, lines 1-22 and col. 11, lines 48-67 and col. 12, lines 1-15).

[0030] Applicant respectfully traverses that Israni teaches "attributes assigned to goods or services comprise a relative importance that identifies geographic importance relative to a region" as presently claimed in independent claim 48. Israni is completely silent to assigning attributes to **goods or services** but instead assigns attributes to nodes, segments and cartographic

points of a geographic data set. (See Column 6, line 36 through Column 7, line 22). A node, as defined by Israni is a point representing the intersection of two or more roads. *Id.* A segment is a representation of a navigable road. *Id.* and a point is a representation of landmark. None of which are a goods or service.

[0031] Further, Israni does not indicate a relative importance that identifies geographic importance relative to a region. Israni is completely silent as to indicating any relativity.

[0032] As shown above, the combination of Simonetti and Israni does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 49-53

[0033] These claims ultimately depend upon independent claim 48. As discussed above, claim 48 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 58

[0034] Applicant submits that combination of Simonetti and Israni does not teach or suggest each element and feature of independent claim 58 as presently claimed. The cited art fails to teach or suggest "attributes assigned to goods or services comprise a relative importance that identifies geographic importance

relative to a region.” Applicant would respectfully request that the Examiner withdraw the rejection of claim 58.

Dependent Claims 59-60

[0035] These claims ultimately depend upon independent claim 58. As discussed above, claim 58 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 62

[0036] Applicant submits that combination of Simonetti and Israni does not teach or suggest each element and feature of independent claim 62 as presently claimed. The cited art fails to teach or suggest “organization-specific view comprising a physical/logical entity that links into specific portions of the Earth and the organization-specific view has no context outside of the organization.” Applicant would respectfully request that the Examiner withdraw the rejection of claim 62.

Dependent Claims

[0037] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0038] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Jason F. Lindh Reg. No. 59,090/ Dated: 2009-01-27

Jason F. Lindh (jason@leehayes.com; x4715)

Registration No. 59090

Customer No. **22801**

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

www.leehayes.com